

REC'D \*08 MAR 07 11:42USDC-ORP

REC'D \*08 MAR 07 11:42USDC-ORP

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

FILED \*08 MAR 07 15:33USDC-ORP

**UNITED STATES OF AMERICA**

**CR 07-281-BR ✓  
CR 95-259-BR**

**v.**

**JEFFREY DAVID MOODENBAUGH,**

**Defendant.**

**ORDER DETERMINING MENTAL  
INCOMPETENCY OF DEFENDANT  
UNDER 18 U.S.C. § 4241  
AND COMMITMENT TO CUSTODY  
OF ATTORNEY GENERAL**

This case came before the court on March 6, 2008, for a hearing to determine the competency of defendant pursuant to 18 U.S.C. § 4241. Defendant was personally present in custody with his attorney, Susan Russell. The United States appeared through Assistant United States Attorney Stephen F. Peifer.

The court received the forensic evaluation of defendant dated February 1, 2008, submitted by the Federal Bureau of Prisons, and the court entered it into evidence as a sealed exhibit. Based upon that report, and having heard the arguments of the parties, the court hereby **FINDS** by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

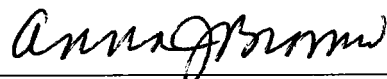
It is therefore **ORDERED** that, pursuant to 18 U.S.C. § 4241(d)(1) defendant shall be committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as it is necessary to determine whether there is a substantial probability that in the foreseeable future he will obtain the capacity to permit any trial and other proceedings to take place.

**IT IS FURTHER ORDERED** that the Attorney General, through the Bureau of Prisons, shall provide to the court, no later than June 23, 2008, a report on defendant's status and condition.

**IT IS FURTHER ORDERED** that the U.S. Marshal shall forthwith transport defendant to a suitable facility designated by the Attorney General for hospitalization and treatment in compliance with this order.

The court further **FINDS** that any period of delay occasioned by this order shall be considered excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161.


**IT IS SO ORDERED** this 7<sup>th</sup> day of March 2008.



THE HONORABLE ANNA J. BROWN  
United States District Judge

Presented by:

KARIN J. IMMERGUT  
United States Attorney  
District of Oregon



STEPHEN F. PEIFER, OSB #74252  
Assistant United States Attorney